

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1-4, 6, 7, 9, 11, 14, 15, 17, 18, 20, and 21 have been amended. Support for the amendments can be found in at least Figures 1-4 and 6 and the description of those figures at pages 5-8 of the present application. New claim 22 has been added and is supported by at least the figures of the present application. No new matter has been added.

§ 112 Rejections

Claim 17 was rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. Claim 17 has been amended to correct the phrase "the predetermined position", and is now definite.

§ 102 Rejections

Claims 1-7, 9, 14-16, and 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by White (US 4,915,334). Applicants respectfully traverse this rejection.

White discloses a captive nut base adjustment device used for adjusting height and leveling an article of furniture. The device includes a C-shaped retainer 6 that includes parallel plates 6a, 6b housed in spaced apart relationship by a web 6c. The plates have aligned holes 6d for receiving a threaded shank 7a of a foot 7. Retainer 6 in combination with a horizontal flange 2, a vertical member 8, and a reinforcing plate 10 define a cavity within which a nut 4 can be retained. The vertical member 8 includes a slot 9 sized to receive a wide portion 6f of the plate 6a to help retain the retainer 6 to the base beam 1.

White fails to disclose an appliance leg that includes first and second generally horizontally oriented members each having a bolt receiving aperture formed therein, and at least two vertically oriented sidewalls extending between the first and second horizontally oriented members, as required by claim 1. Neither the beam 1 nor the retainer 6 disclosed by White includes all of the limitations of the appliance leg of claim 1.

Further, White fails to disclose "a leg having an end member defining a lower most surface of the appliance, a first aperture formed in the end member, a cross member extending in a orientation generally parallel to the end member and positioned vertically spaced above the end

member, the cross member including a second aperture aligned with the first aperture, ... and a plurality of side members extending between the end and cross members," as required by claim 9. As discussed above, none of the components disclosed by White include at least two spaced apart members having apertures formed therein in alignment with each other as well as plurality of sidewalls extending between those members with apertures. Therefore, White fails to disclose every limitation of claim 9. White fails to disclose every limitation of claim 18 for at least the same reasons stated above related to claims 1 and 9.

Further to the above, White requires both a base beam 1 and a retainer 6 to define a cavity for retaining a nut. Therefore, White fails to disclose a nut receiving structure that is integrally formed as a single piece as required by claims 7 and 9, or a nut receiving structure that is formed as a single, unitary piece as required by new claim 22.

In view of the above, Applicant submits that White fails to disclose every limitation of claims 1, 9, and 18, and the claims that depend from them.

§ 103 Rejections

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over White in view of Wooley (US 1,178,695). Applicants respectfully traverse this rejection. As discussed above, White fails to disclose every limitation of claim 1. Wooley fails to remedy the deficiencies of White as it relates to claim 1. Therefore, claim 8 is allowable for at least the reason it is dependent upon an allowable base claim. Applicants do not concede the correctness of this rejection.

Claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thibodeaux (US 5,241,948) in view of White. Applicants respectfully traverse this rejection.

Thibodeaux discloses a portable stove that is used as a cooking range. Thibodeaux fails to disclose or suggest the leveling system features disclosed by claim 9. Thibodeaux also fails to disclose or suggest a heat generating device that is a fuel burning stove, wherein the stove includes a plurality of panels that define an enclosed combustion chamber enclosure wherein fuel is burned for the generation of heat, as required by claim 11. White fails to disclose or suggest every limitation of the leveling system features of claim 9 for at least the reasons stated above.

Therefore, Thibodeaux and White fail to disclose or suggest every limitation of claims 10-12 for the above-stated reasons and for at least the reason they are dependent upon and allowable base claim. Applicants do not concede the correctness of this rejection in any respect.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Thibodeaux in view of White and Wooley. Applicants respectfully traverse this rejection. As discussed above, Thibodeaux and White fail to disclose or suggest every limitation of claim 9. Wooley fails to remedy the deficiencies of Thibodeaux and White as they relate to claim 9. Therefore, claim 13 is allowable for at least the reason it is dependent upon an allowable base claim. Applicants do not concede the correctness of this rejection.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over White in view of Burgess (US 4,248,271). Applicants respectfully traverse this rejection. As discussed above, White fails to disclose every limitation of claim 18. Burgess fails to remedy the deficiencies of White as it relates to claim 18. Therefore, claim 21 is allowable for at least the reason it is dependent upon an allowable base claim. Furthermore, claim 21 has been amended to define that the Allen type structure has at least five sidewalls. The structure disclosed by Burgess includes a four sidewall structure and fails to suggest an alternative structure. Therefore, claim 21 is allowable for this additional reason.

New Claim

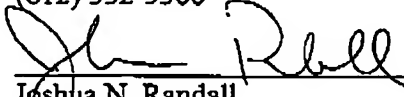
New claim 22 requires that the nut receiving structure that is formed as a single, unitary piece. None of the art of record disclose or suggest this limitation. Consideration and allowance of new claim 22 is respectfully requested.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants' representative below at 612-371-5387.

Respectfully submitted,

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